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December 12, 2005

Mr. Charles L.A. Terreni
Chief Clerk/Administrator
South Carolina Public Service Commission
101 Executive Center Dr., Suite 100
Columbia, SC 29210

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SC PUBLIC SERVICE
COMMISSION

Re: Petition of the Office of Regulatory Staff to Establish Dockets to Consider Implementing the Requirements of: Section 1251 (Net Metering and Additional Standards) of the Energy Policy Act of 2005
PSC Docket No.:

Enclosed for filing please find the original and fifteen (15) copies of the Petition of the Office of Regulatory Staff to Establish Dockets to Consider Implementing the Requirements of: Section 1251 (Net Metering and Additional Standards) of the Energy Policy Act of 2005.

Please date stamp the one extra copy for our office and return it to me via our courier.

Please let me know if you have any questions.

Sincerely,

Nanette S. Edwards

NSE/pjm
Enclosures

**BEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA**

**In Re: Petition to Establish Docket to)
Consider Implementing the)
Requirements Of:)
Section 1251 (Net Metering and)
Additional Standards) of the)
Energy Policy Act Of 2005)**

Docket No. 2005-385-E

**PETITION TO ESTABLISH DOCKET TO FULFILL THE STATE REQUIREMENTS
OF THE ENERGY POLICY ACT OF 2005**

The Office of Regulatory Staff, (“ORS”), pursuant to S.C. Code Regs. 103-836, respectfully requests that the Public Service Commission of South Carolina (the “Commission”) convene a docketed proceeding to consider and, if appropriate, implement Section 1251, of the Energy Policy Act of 2005, (the “EPAct”). S.C. Code Regs. 103-836, provides that petitions for relief may be filed with the Commission. In support of this Petition, ORS states as follows:

PARTIES

1. The Office of Regulatory Staff (“ORS”) is a state agency charged by law with the duty to represent the public interest of South Carolina pursuant to S.C. Code § 58-4-10 (B) (added by Act 175). S.C. Code § 58-4-10(B)(1) through (3) read in part as follows:

...’public interest’ means a balancing of the following:

- (1) concerns of the using and consuming public with respect to public utility services, regardless of the class of customer;
- (2) economic development and job attraction and retention in South Carolina; and
- (3) preservation of the financial integrity of the state’s public utilities and continued investment in and maintenance of utility facilities so as to provide reliable and high quality utility services.

2. The authorized representatives for ORS for this proceeding are:

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Pleadings, briefs, correspondence, and other documents in this proceeding should be served upon the authorized representatives.

DISCUSSION

3. On August 8, 2005, President Bush signed the EPAct. The EPAct requires state commissions, with respect to each electric utility for which the state commission has ratemaking authority, to consider certain standards to encourage better utilization of energy resources.

4. Section 1251 entitled 'Net Metering and Additional Standards' states that each electric utility shall (1) make available upon request net metering service to any electric consumer that the electric utility serves, (2) develop a plan to minimize dependence on one fuel source and to ensure that the electric energy sold to consumers is generated using a diverse range of fuels and technologies, and (3) develop and implement a 10-year plan to increase the efficiency of the utility's fossil fuel generation. The Commission has two years from the date of enactment (by August 8, 2007) to initiate a proceeding to consider these standards and three

years from the date of enactment (by August 8, 2008) to make a determination with respect to each standard. If, however, the Commission has implemented or conducted a proceeding to consider implementing the standard or comparable standard or the state legislature has voted on the implementation of the standard or comparable standard, then the Commission is not required to take any action.

5. With regard to items (2) and (3) in paragraph 4 above, this Commission currently requires electric utilities to file annually a fifteen year plan that addresses issues of forecast load, plant efficiency measures, and resource diversity among others. The utilities file these reports pursuant to S.C. Code § 58-33-430 and Commission Order No. 98-502. Whether the current reporting requirements encompass the issues raised by Section 1251 of the EPAct is an issue for this Commission to decide. ORS is not aware of any Commission orders addressing net metering.

6. Congress designated this Commission as the authority required to consider whether to implement these standards for those utilities over which the Commission has ratemaking authority. ORS recommends that this Commission solicit comments from affected parties regarding Section 1251 of the EPAct.

CONCLUSION

7. ORS respectfully requests that the Commission initiate a proceeding to examine 'Net Metering and Additional Standards' as required by Section 1251 of the EPAct for those

utilities over which this Commission has ratemaking authority. Additionally, ORS requests that the Commission issue a procedural order soliciting parties to file comments.

Submitted this 12th day of December, 2005

OFFICE OF REGULATORY STAFF

A handwritten signature in cursive script that reads "Nanette Edwards". The signature is written in black ink and is positioned above a solid horizontal line.

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